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13 RAMESH "SUNNY" BALWANI

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,
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19 Plaintiff,
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21 v.
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23 RAMESH "SUNNY" BALWANI,
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25 Defendant.

Case No. CR-18-00258-EJD

**[PROPOSED] ORDER GRANTING
DEFENDANT RAMESH "SUNNY"
BALWANI'S OMNIBUS MOTIONS IN
LIMINE**

Hon. Edward J. Davila

[PROPOSED] ORDER

This matter came before the Court on Defendant Ramesh “Sunny” Balwani’s Motions in Limine.

After considering the filings, the governing law, and the argument of the parties:

IT IS HEREBY ORDERED that the relief requested in Mr. Balwani’s motions is GRANTED.

IT IS FURTHER ORDERED that the government shall not introduce at trial any evidence regarding the accuracy and reliability of Theranos tests and/or general Theranos lab practices unless and until foundation is laid that any such evidence is relevant to the accuracy and reliability of tests run on Theranos technology.

IT IS FURTHER ORDERED that the government shall not introduce at trial any testimony of Dr. Das concerning his views on the accuracy and reliability of tests conducted at Theranos, including but not limited to the voiding of tests or Dr. Das’ views on the reasons for voiding tests.

IT IS FURTHER ORDERED that the government shall not introduce at trial any evidence, argument, or reference to Defendants’ or Theranos having voided the results of patient tests.

IT IS FURTHER ORDERED that the government shall not introduce under Federal Rule of Evidence 801(d)(2)(E) any alleged coconspirator statements made before Mr. Balwani joined Theranos in September 2009 and after any alleged conspiracy ended, no later than May 2016.

IT IS FURTHER ORDERED that the government shall not introduce at trial any expert testimony offered by lay witnesses, including but not limited to any such testimony from witness Erika Cheung.

IT IS FURTHER ORDERED that the government shall not introduce at trial the October 16, 2015 text messages specified in Mr. Balwani’s motion.

IT IS FURTHER ORDERED that the government shall not introduce at trial any evidence, argument, or reference to Mr. Balwani’s personalized license plate or the car to which it was attached.

1 The other relief requested in Mr. Balwani's motion in limine on certain motions
2 previously filed by Defendant Elizabeth Holmes is GRANTED.

3 **IT IS SO ORDERED.**

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5 Dated: _____

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7 HONORABLE EDWARD J. DAVILA
8 UNITED STATES DISTRICT JUDGE
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